

ECS File: JPA-90-29
Project: 584-501/H0781 04C
Section: Business Route 40

MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF WILLIAMS

THIS AGREEMENT is entered into 11 September, 1990,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF
WILLIAMS, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. The State and the City have previously constructed
improvements to Bill Williams and Railroad Avenues (Business
Route 40) within the limits of the City. Incident to those
improvements it is necessary to conduct certain corrective
operations, and the State and the City desire to further define
their respective financial responsibilities.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Reimburse the City \$66,751.00 for various improvements and corrective work, within thirty (30) days after receipt and approval of an invoice.

b. Reconstruct a drain pipe, correct a drainage problem, replace approximately 170 lf of sidewalk, reseal gutter-to-pavement interface, restore appropriate signage and conduct crack and chip seal repairs to the east end of the Project.

c. Transfer to the City the State's real property located at 820 West Bill Williams Avenue, together with all appurtenant improvements.

d. Provide the City with access to the State leased cinder pit on State Route 64, to obtain cinders for the benefit of the motoring public during snow conditions.

e. Abandon jurisdiction and maintenance responsibility of Business Route 40 throughout the limits of the City to the City.

2. The City will:

a. Invoice the State for corrective work in an amount not to exceed \$66,751.00.

b. Provide landscape construction, maintenance and irrigation for contemplated landscape improvements.

c. Provide the State with suitable and sufficient office space at no cost to the State, to conduct State Motor Vehicle Division functions.

d. Accept jurisdiction for and provide maintenance to Business Route 40 from the traffic interchange on Interstate 40 west of the City, to the traffic interchange on Interstate 40 east of the City.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said transfer of jurisdiction; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the execution of any of the provisions herein, upon thirty (30) days written notice to the other party.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

City of Williams
City Manager
113 South First Street
Williams, AZ 86046

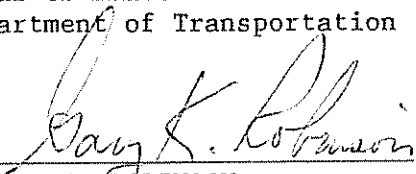
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF WILLIAMS

STATE OF ARIZONA

Department of Transportation

By 
JAMES HOFFMAN
Mayor

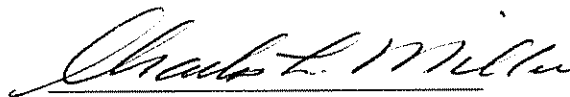
By 
GARY K. ROBINSON
Chief Deputy State Engineer

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RESOLUTION

BE IT RESOLVED on this 20th day of March 1990, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Williams, for the purpose of defining responsibilities for the transfer of jurisdiction of Business Route 40 in the city limits.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.

A handwritten signature in cursive script, reading "Charles L. Miller", written in dark ink.

CHARLES L. MILLER, Director
Arizona Department of
Transportation